

Summary of the Sunshine Law

Missouri's commitment to openness in government is clearly stated in Section 610.011 of the Sunshine Law: "It is the public policy of this state that meetings, records, votes, actions, and deliberations of public governmental bodies be open to the public unless otherwise provided by law. Sections 610.010 to 610.200 shall be liberally construed and their exceptions strictly construed to promote this public policy."

The law sets out the specific instances when a meeting, record or vote may be closed, while stressing these exceptions are to be strictly interpreted to promote the public policy of openness.

Public meetings, including meetings conducted by telephone, Internet or other electronic means, are to be held at reasonably convenient times and must be accessible to the public. Meetings should be held in facilities that are large enough to accommodate anticipated attendance by the public and accessible to persons with disabilities.

PUBLIC GOVERNMENTAL BODIES 610.010(4)

The Sunshine Law governs the actions of public governmental bodies, which are defined as legislative, administrative or other governmental entities created by the constitution or statutes of this state, or by order or ordinance of any political subdivision or district as well as judicial entities when operating in an administrative capacity.

This includes not just state agencies and officials, but also governing bodies of institutions of higher education; and any department of any political subdivision of the state, county or municipal government, school district or special-purpose district, including sewer and water districts. The term "governmental body" is defined to include "quasi-public governmental bodies," which are defined in Section 610.010(4)(f). Those entities that regularly enter into contracts with public governmental bodies or perform certain types of public functions (such as issuing tax credits) should review this definition to determine whether they must comply with the Sunshine Law.

The Missouri Sunshine Law governs only state, local and quasi-public governmental bodies. Federal officers and agencies are covered by the federal [Freedom of Information Act](#).

SUNSHINE POLICY 610.028

Each public governmental body shall provide a reasonable written policy consistent with the Sunshine Law and open to the public regarding access to public records and meetings.

MEETING NOTICES 610.020

At least 24 hours (excluding weekends and holidays) before a public meeting, the public body must prominently post a notice of the meeting in its principal office. If there is no such office, the public body should post the notice at the meeting place. The notice must include:

- Time of meeting;
- Date of meeting;
- Place of meeting;
- Tentative agenda of an open meeting; and
- Whether the meeting is open or closed.

If the public body intends to hold a meeting by conference call or other electronic means, the notice must specify the location where the public may observe and attend that meeting. If the public body meets via Internet or other computer link, it shall post a notice on its Web site in addition to posting the notice at its principal office.

If exceptional circumstances prevent the public body from posting notice 24 hours in advance or prevent the meeting from being held at a convenient time or in a place reasonably accessible to the public, the reasons should be stated in the meeting's minutes.

PUBLIC RECORDS 610.010, 610.023, 610.024, 610.026

Unless otherwise provided by law, records of a public governmental body are to be open and available to the public for inspection and copying. The governmental body may charge up to 10 cents per page for standard copies and the actual cost of the copy for larger or specialized documents (such as maps, photos and graphics). The body also may charge a reasonable fee for the time necessary to search for and copy public records. Research time may be charged at the actual cost incurred to locate the requested records. Copying time shall not exceed the average hourly rate of pay for clerical staff of the public body. A public body may reduce or waive costs when it determines the request is made in the public interest and is not made for commercial purposes.

The term "public record" includes records created or maintained by private contractors under an agreement with a public governmental body or on behalf of a public governmental body.

Each public governmental body must appoint a custodian of records. The Sunshine Law requires that each request for access to a public record be acted on no later than the end of the third business day following the date the request is received by the custodian. If access is denied, the custodian must explain in writing and must include why access is denied, including the statute that authorizes the denial.

If only part of a record may be closed to review, the rest of the record must be made available.

The law also requires that if a request is made in a particular format, the custodian shall provide the records in that format if it is available.

E-MAILS AMONG MEMBERS OF PUBLIC BODIES 610.025

If a member of a public body transmits an e-mail relating to public business to at least two other members of the body so that, when counting the sender, a majority of members are copied, a copy of the e-mail shall be sent to either the custodian of records, or the member's public office computer. Any such message, subject to the exceptions of Section 610.021, shall be considered a public record upon receipt by the custodian or at the public member's computer.

CLOSED MEETINGS AND RECORDS 610.021, 610.022

A public governmental body is permitted, but not required, to close its meetings, records and votes when they relate to certain issues listed in Section 610.021. When a public body relies on one of these exceptions to close a meeting or record, it should bear in mind that the exceptions are to be read narrowly under Section 610.011. Matters that may be closed include:

- Legal actions, causes of action or litigation (except that votes, minutes and settlement agreements must be opened to the public on final disposition, unless ordered closed by a court).
- Leasing, purchase or sale of real estate where public knowledge might adversely affect the amount paid in the transaction.
- Hiring, firing, disciplining or promoting a particular employee.
- Welfare cases of identifiable individuals.
- Software codes for electronic data processing.
- Individually identifiable personnel records.
- Records related to existing or proposed security systems.
- Records that are protected from disclosure by other laws.

When a public governmental body votes to meet in closed session, members must cite in open session the specific statute and subsection allowing closure. Once in closed session, the public body may not discuss any

matter beyond the scope of the stated reason for the closed session. The public governmental body must close only that portion of the facility necessary for its members to conduct the closed meeting, allowing space for the public to remain and attend any later open session.

WHO CAN BRING LEGAL ACTION 610.027

Any Missouri taxpayer, citizen or aggrieved person, the Attorney General, or the county prosecutor may bring a court action to enforce the Sunshine Law. The lawsuit must be filed in the circuit court in the county where the public governmental body has its principal place of business. A lawsuit must be filed within one year from when the violation is ascertainable, and in no event shall it be brought later than two years after the violation occurred.

PENALTIES 610.027

If the court finds a public governmental body has violated the Sunshine Law, it may declare void any action taken in violation of the law. If the court finds, by a preponderance of evidence, that the public body or a member of the public body has knowingly violated the Sunshine Law, the court:

- Shall subject the member or body to a civil fine of up to \$1,000; and
- May order the member or body to pay all costs and reasonable attorney fees to any party successfully establishing a violation.

If the court finds, by a preponderance of evidence, that the public body or member has purposely violated the Sunshine Law, the court shall:

- Subject the member or body to a civil fine of up to \$5,000; and
- Order the member or body to pay all court costs and reasonable attorney fees.

If a public governmental body has any doubt about the legality of closing a particular meeting, record or vote, it may bring suit in the circuit court to determine whether the action is proper or it may seek a formal opinion from its own attorney or from the Attorney General.

LAW ENFORCEMENT RECORDS 610.100-610.200

Law enforcement records are subject to separate provisions of the Sunshine Law. The law now provides, however, that law enforcement records are subject to the same presumption of openness that applies to other public records (Section 610.011).

In addition, an agency or officer who knowingly or purposely violates the Sunshine Law is subject to the same monetary penalties set out in Section 610.027.

Frequently Asked Questions/Answers About the Sunshine Law

Are advisory committees, boards and commissions subject to the Sunshine Law?

Yes (Section 610.010(4)).

When a public governmental body forms a committee or subcommittee from its own membership, is that group also subject to the Sunshine Law?

Yes (Section 610.010(4)).

Are there any laws other than Chapter 610, RSMo, to be aware of when determining whether a record is open or closed?

Yes. These other laws are generally referenced in Section [610.021](#) (14) of the Sunshine Law. For instance, HIV testing records are closed under Section [191.656](#). Other closed records not described in Section 610.021 include, but are not limited to:

- Tax returns (Section [32.057](#)).
- Qualification to carry a concealed weapon (Section [571.101.9](#)).
- Many juvenile records (Section [211.321](#)).
- Mental health treatment records (Section [630.140](#)).
- Genetic information (Section [375.1309](#)).
- Adoption records (sections [453.120](#) and [453.121](#)).

Records also may be closed under federal law. For example, educational agencies or institutions may lose federal funding if they release education records or personally identifiable information of students without their parents' written consent (Family Educational Rights and Privacy Act of 1974, 20 U.S.C. 1232g).

When [searching](#) for other Missouri laws on closed records, type in search terms such as "Chapter 610," "exempt," "Sunshine Law," and "confidential."

Does the Sunshine Law apply to private, nonprofit corporations or civic organizations?

In some instances, yes. Section 610.010(4) includes "quasi-public governmental bodies" in the definition of public governmental bodies subject to the Sunshine Law.

A quasi-public governmental body is an organization that either (a) primarily contracts with or handles activities agreed upon with public governmental bodies, or (b) by statute allocates or issues tax credits, tax abatement, public debt, tax-exempt debt, rights of eminent domain or leaseback agreements. It also includes associations that directly accept appropriated money from a public body, but only when they have meetings, records or votes that relate to the appropriations.

Examples of organizations covered by the Sunshine Law are area agencies on aging (Attorney General's Opinion No. 27-87), Missouri School Boards Association (Attorney General's Opinion No. 103-88), Convention and Visitors Bureau of Greater St. Louis (Champ v. Poelker, 755 S.W.2d 383 (Mo. App. E.D. 1988)), and a sheltered workshop established by a nonprofit corporation (Attorney General's [Opinion No. 100-2001](#)).

Does the Sunshine Law apply to luncheon meetings of members of a public governmental body where public business is discussed?

Yes. A public meeting is any meeting of a public governmental body where public business is discussed, decided or public policy is formulated (Section 610.010(5)). Public business is defined in Section 610.010(3) as all matters that relate in any way to the performance of the public governmental body's functions or the conduct of its business.

In *The Kansas City Star v. Shields*, 771 S.W.2d 101 (Mo. App. W.D. 1989), the chairman and two members of the Kansas City City Council Finance Committee, city manager and city budget director held a luncheon meeting without notice in a private dining room of a Kansas City restaurant. The following day, the committee unanimously adopted a budget agreement. This meeting, where public business was discussed, constituted a public meeting and notice should have been posted. (See Attorney General's Opinion No. 10-75.)

Informal gatherings of members of a public governmental body for social or ministerial purposes where there is no intent to avoid the Sunshine Law are not public meetings.

What are the notice requirements of the Sunshine Law?

Section 610.020.1 requires a public governmental body to give notice of the time, date and place of each meeting and its tentative agenda in a manner reasonably calculated to advise the public of the matters to be considered. The notice must state if the meeting is to take place by telephone, the Internet or other electronic means, and the location where the public may observe and attend the meeting, or the Internet message board the body will be using.

Section 610.020.2 states this notice must be given at least 24 hours (excluding weekends and holidays) before the meeting, unless such notice is impossible. The notice must be posted prominently in the principal office of the body holding the meeting, or, if there is no such office, in the building where the meeting will be held. If the body is meeting via the Internet, it also is required to post a notice on its Web site with information on how to access the meeting. Reasonable notice includes making copies of the notice available upon request to representatives of the news media at the same time notice is posted.

If a meeting must be held on less than 24 hours' notice, minutes of the meeting should state the reasons why it was not possible to give such notice.

How does the Sunshine Law apply to electronic records?

The Sunshine Law encourages public governmental bodies to maintain records in electronic formats that are accessible to the public (Section 610.029.1). Public governmental bodies are obligated to provide records in the format requested, if available (Section 610.023.3). However, when a requester demands records in a format beyond the scope of staff expertise, a body may charge for the actual rate of programming necessary to comply with the request (Section 610.026.1(2)).

Section 610.025 creates a new requirement for certain e-mails among members of a public body. The new requirement is triggered when a member of a public body sends an electronic message dealing with public business to two or more members so that, when counting the sender, a majority of the body's members are copied on the message. When this section applies, the message must be copied to the body's custodian of records or the member's public office computer and then made available as a public record, unless it is subject to an exception in Section 610.021 allowing it to be treated as a closed record.

Meetings conducted via the Internet are subject to the Sunshine Law (Section 610.010(5)). Notices of meetings that are to take place by Internet chat, message board or computer link must explain to the public how it may access the meeting. The public body also must post a notice of the meeting on its Web site (Section 610.020.1).

What are the procedures for obtaining access to public records?

Each public governmental body must appoint a custodian of records responsible for maintaining the body's records and for handling requests (Section 610.023.1). All public records must be made available for public inspection and copying, unless there is a statute that either permits or requires them to be closed.

When a request is made for access to a public record, the records custodian must allow access as quickly as possible, but no later than the end of the third business day following the date of the request. Records must be provided in the format requested, when available.

If access to a public record is not granted immediately, the records custodian must explain why the record cannot be produced without delay and give the place and time the record will be made available (Section 610.023.3). There may be times when, for example, a request is made for an old record that is stored in a different location or will take time to research, locate or reproduce. In such instances, when reasonable cause for delay is explained, the period for producing the record may exceed three business days.

If a request for access is denied, the custodian shall provide, on request, the reasons for the denial, including the statute that authorizes the denial. The denial must be furnished to the requester within three business days after the request is received (Section 610.023.4).

Can citizens videotape public governmental body meetings?

Public bodies are required to allow recordings by audiotape, videotape or any other electronic means at open meetings. The public body may establish guidelines to minimize disruption.

Recording a properly closed meeting without the permission of the public body, however, is not permitted, and is a class C misdemeanor (Section 610.020.3).

How much can a public governmental body charge for producing copies of public records, and can the records custodian require the person requesting the record to make copies?

The amount to be charged for copies depends on the types of records to be produced and the time and expenses associated with the duplication.

For paper copies that are 9 by 14 inches and smaller, the custodian may charge up to 10 cents per page. In addition, the custodian may charge for time spent duplicating the records and for research time spent fulfilling the request. The charges for time spent on duplication cannot exceed the average hourly rate of pay for clerical staff, and the charges for research cannot exceed the actual cost of research time (Section 610.026.1(1)).

For all other types of records, including paper larger than 9 by 14 inches, tapes, disks, pictures, maps and slides, the custodian may charge for the cost of the materials used for duplication and staff time, which cannot exceed the average rate of pay for the body's staff. Fees for maps, blueprints or plats requiring special expertise to duplicate may include the actual rate of pay for the trained personnel making the copies. In addition, if programming is required, fees may include the actual cost of the programming (Section 610.026.1(2)).

The public governmental body may waive or reduce its fees when it is in the public interest to do so.

Under Section 610.023.2, a public governmental body is required to make the body's public records "available for inspection and copying by the public." Therefore, the public governmental body may require requesters to photocopy for themselves records made available by the custodian.

Must members of a public governmental body be physically present at a meeting to vote?

The Sunshine Law generally allows members of a public governmental body to participate in a meeting and vote without being physically present, for example, by telephone. But if a public governmental body consists of members who are all elected, Section 610.015 requires that members be physically present and in

attendance at a meeting when votes are to be taken by roll call. In an emergency, less than a quorum of the body may participate by phone, Internet or other means, but only if a quorum of the members are physically present at the meeting location.

The physical presence requirement does not apply to any committee established by a public governmental body or to members of the General Assembly.

What procedures must be followed to close meetings, records or votes?

It is the public policy of this state that all public meetings and records shall be open unless otherwise provided by law (Section 610.011.1). The public governmental body must follow the procedures set out in Section 610.022 if a public meeting is related to one or more of the statutory exceptions and may be closed under Section 610.021.

Section 610.022.3 requires that the meeting be closed only to the extent necessary to discuss the specific announced exception. No other business should be discussed during the closed meeting. Also, the public governmental body may only close a portion of the meeting facility, allowing space for the public to remain and attend any subsequent open session.

A public governmental body planning to hold a vote must follow the notice procedures for a regular meeting set out in Section 610.020, adding that the meeting will be closed and citing the specific exception allowing the closure (Section 610.022.2). Notice of a closed meeting is not required to include a tentative agenda (Attorney General's Opinion No. 97-90).

Section 610.022.1 provides that before a meeting or a vote is closed, there must be an affirmative public vote to close the meeting made by a majority of a quorum of the public governmental body. The specific reason for closing the meeting must be announced publicly, with reference to the proper statutory section, in open session and entered into the minutes.

Minutes of the closed meeting must be taken. The minutes must include, but are not limited to, the time, date, place, members present and absent and a record of votes taken during the closed session (Section 610.020.7).

What procedures may be followed if a member of a public body thinks a meeting, record or vote is closed in violation of the Sunshine Law?

The member must state an objection at or before the time the vote on the improper motion is made, and the objection will be entered into the minutes. Any member making an objection will be allowed to continue to participate in the meeting, record or vote.

This objection, accompanied by a vote against closing the meeting, record or vote in question, acts as an absolute defense in any claim for violations of the Sunshine Law brought under Section 610.027 (Section 610.022.6).

Can a public governmental body close a meeting to discuss possible litigation with its attorney where a cause of action has not been filed?

Section 610.021(1) permits a meeting to be closed to discuss legal actions, causes of action or litigation involving the public governmental body and confidential or privileged communications between the public governmental body and its attorneys. Attorney General's Opinion No. 59-76 concluded a meeting could be closed to discuss causes of action where the public governmental body is a potential plaintiff or defendant, whether or not litigation already had commenced.

However, under Section 610.021(1), any minutes, vote or settlement agreement relating to legal actions, causes of action or litigation must be made public upon final disposition of the matter voted upon or upon the signing of the settlement agreement. A court can, however, order that a settlement agreement be kept confidential if it finds that the adverse impact on the plaintiff outweighs the policy of openness. Even then, the governmental body must disclose the amount paid under the agreement.

In matters concerning the exercise of the power of eminent domain, the vote must be made public immediately following action on the motion to authorize the legal action.

Can disciplinary action be taken against a particular public employee in a closed meeting, and can the public find out what action was taken?

Under Section 610.021(3) of the Sunshine Law, a public governmental body can close a meeting to consider hiring, firing, disciplining or promoting an employee when personal information about the employee is discussed or recorded. Personal information relates to the performance or merit of that employee. But the vote on any final decision to hire, fire, discipline or promote an employee must be made available to the public within 72 hours after the closed meeting in which such action occurred and must include how each member voted. The employee must be given notice of the decision during the 72-hour period before the decision is made available to the public.

Can a meeting be closed to allow a public governmental body to discuss whether public employees will participate in seminars or training programs?

Section 610.021(3) allows a meeting to be closed for discussion of hiring, firing, disciplining or promoting a particular employee. Because participation in a seminar does not fit these specific categories, the discussion should occur in an open meeting.

Who is an employee for purposes of the hiring, firing, disciplining or promoting exception set out in Section 610.021(3)?

Generally, an employee receives wages or a salary from the government. For example, a physician on staff at a public hospital who renders service on behalf of and is paid by the hospital district is an employee (*Paskon v. Salem Memorial Hospital District*, 806 S.W.2d 417 (Mo. App. S.D. 1991)). But independent contractors, members of volunteer citizen boards and elected officials are not employees for purposes of Section 610.021(3). (See Attorney General's Opinions Nos. 48-88, 184-89 and 77-92; and *Hawkins v. City of Fayette*, 604 S.W.2d 716 (Mo. App. W.D. 1980)). Therefore, discussions about these individuals must be conducted in open session.

Can a public governmental body close a meeting to discuss the purchase of real estate?

Section 610.021(2) provides a meeting may be closed to discuss leasing, purchasing or selling of real estate by a public governmental body where public knowledge of the transaction could adversely affect the amount paid in the transaction. However, any minutes or vote approving a contract relating to such matters must be made public upon execution of the transaction.

What is involved in making a vote taken in a closed meeting available to the public as required in sections 610.021(1), (2) and (3), relating to litigation, real estate transactions and hiring, firing, disciplining and promoting employees?

After a closed meeting, the public governmental body must disclose the vote of each member — not just the vote total or results (Section 610.021(3); Attorney General's [Opinion No. 129-97](#)). The "vote" also includes the proposition voted on and matters or materials referred to within the proposition (Attorney General's Opinion No. 30-88). For example, disclosure of a vote according to Section 610.021(1) would include disclosing agreements made to settle litigation. Thus, making a personnel-related vote available to the public included disclosure of a severance agreement (*Librach v. Cooper*, 778 S.W.2d 351 (Mo. App. E.D. 1989)).

Disclosure of the purchase price of real estate is required by Section 610.021(2) upon execution of the purchase or sale of the real estate. However, the disclosure can be deferred until the entire real estate transaction is completed (*City of St. Louis v. City of Bridgeton*, 806 S.W.2d 717 (Mo. App. E.D. 1991)).

Who can bring an action charging a public governmental body or its members with a violation of the Sunshine Law?

Section 610.027.1 provides that an action seeking judicial enforcement of the Sunshine Law may be brought by any aggrieved person, taxpayer, or citizen of this state, by the prosecuting attorney or by the Attorney General. The suit must be filed in the circuit court in the county where the public governmental body has its principal place of business.

If a court finds a public governmental body has violated the Sunshine Law, what happens?

Under Section 610.027.5, if a court finds that any provision of the Sunshine Law has been violated by a public governmental body, the court may void any action taken in violation of the law. But the court will do so only if it concludes the public interest in enforcing the Sunshine Law outweighs the public interest in allowing the action to stand.

What other remedies exist when a public governmental body or its members violate the Sunshine Law?

If a court finds that a public governmental body or its members have “knowingly” violated the Sunshine Law, it shall order the body or members to pay a civil fine of up to \$1,000. The court also may order the body or members to pay all costs incurred in the suit and reasonable attorney fees to any party successfully establishing a violation of the Sunshine Law (Section 610.027.3).

If a court finds that a public governmental body or its members have “purposely” violated the Sunshine Law, it shall order the body or its members to pay a civil fine of up to \$5,000. If the court finds a purposeful violation, it shall order the body or its members to pay all costs incurred in the suit and reasonable attorney fees to any party successfully establishing a violation of the Sunshine Law (Section 610.027.4).

The amount of penalties in all cases depends on the size of the jurisdiction, the seriousness of the offense and whether the governmental body or its members have previously violated the Sunshine Law.

Has anyone been ordered to pay a fine or attorney fees?

Yes. For example, in *Tipton v. Barton*, 747 S.W.2d 325 (Mo. App. E.D. 1988), upon finding a purposeful violation of the Sunshine Law, the court ordered an award of \$750 for attorney fees. Civil fines were ordered in *The Kansas City Star Company v. Shields*, 771 S.W.2d 101 (Mo. App. W.D. 1989). In *Charlier v. Corum*, 794 S.W.2d 676 (Mo. App. W.D. 1990), the court ordered payment of a civil fine and attorney fees of \$5,219.91.

How can a public governmental body, its members and employees demonstrate they have acted in compliance with the Sunshine Law?

Under Section 610.027.2, once a party seeking judicial enforcement of the Sunshine Law has established the entity involved is a public governmental body and has held a closed meeting, record or vote, the burden is on the body and its members to demonstrate compliance with the Sunshine Law. To avoid penalties, the public governmental body should strictly comply with the Sunshine Law — and carefully record its compliance. Thus, for example, the public governmental body should maintain in its records the notices of meetings posted in accordance with Section 610.020. Its minutes should reflect the reasons why a meeting was held on less than 24 hours’ notice or at a time or place that was not reasonably convenient and accessible to the public (Section 610.020.3).

The minutes should also include the vote of each member of a public governmental body to close a meeting, vote or record and the specific statutory exception relied upon to close (Section 610.022.1). And during a closed session, copious notes of the discussion should be taken to demonstrate, if necessary, that the discussion was limited to the reason announced for closing the meeting.

Employees of public governmental bodies are subject to a slightly different standard. Under Section 610.028.2, public governmental bodies are required to establish and provide for public inspection a reasonable written policy concerning the release of information concerning any meeting, record or vote. Because an employee acting in compliance with this written policy will not be subject to civil liability, employees should carefully follow both the law itself and their employer’s policy.

Are public governmental bodies required to take minutes of meetings?

Yes. Minutes of open and closed meetings should include, at a minimum, date, time, place, members present and members absent, and votes attributed to each member (Section 610.020.7). It also is advisable for bodies to keep minutes of the discussion that takes place during meetings, especially of closed meetings. These minutes are useful for internal purposes and for creating a record to justify the proper closure of a meeting under Section 610.021.

Do minutes retained in “draft” form have to be provided to the public within three business days of the request?

Yes. A draft of minutes is a “public record” under Section 610.010(6) and must be provided as soon as possible and no later than the end of the third business day after the request is received (Section 610.023.3). A public body that provides draft minutes should inform the requestor that the minutes are in draft form and will not be “official” until approved at the next regularly scheduled meeting of that public body.

Top 10 things you should know about your Sunshine Law

1. When in doubt, a meeting or record of a public body should be opened to the public.
2. The Sunshine Law applies to all records, regardless of what form they are kept in, and to all meetings, regardless of the manner in which they are held.
3. The Sunshine Law **allows** a public body to close meetings and records to the public in some limited circumstances, but it **almost never requires** a public body to do so.
4. A public body generally must give at least 24 hours' public notice before holding a meeting. If the meeting will be closed to the public, the notice must state the specific provision of the law that allows the meeting to be closed.
5. Each public body must have a written Sunshine Law policy and a custodian of records whose name is available to the public upon request.
6. The Sunshine Law requires a custodian of records to respond to a records request as soon as possible but no later than **three business days** after the custodian receives it.
7. The Sunshine Law deals with whether a public body's records must be open to the public, but it generally does not state what records the body must keep or for how long. A body cannot, however, avoid a records request by destroying records after it receives a request for those records.
8. The Sunshine Law requires a public body to grant access to open records it already has, but it does not require a public body to create new records in response to a request for information.
9. When responding to a request for copies of its records, the Sunshine Law limits how much a public body can charge for copying and research costs.
10. There are special laws and rules that govern access to law enforcement and judicial records.